

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE RUSSELL INVESTMENT COMPANY)	Lead C.A. No. 1:13-cv-12631-LTS
SHAREHOLDER LITIGATION)	
_____)	(Consolidated with No. 1:14-cv-14358-LTS)
FRED MCCLURE,)	
Plaintiff,)	Civil Action No. 1:15-cv-14154-LTS
v.)	
RUSSELL INVESTMENT MANAGEMENT)	
COMPANY and RUSSELL FUND SERVICES)	
COMPANY,)	
Defendants.)	
_____)	

STIPULATION AND [PROPOSED] ORDER EXTENDING DISCOVERY DEADLINES

Plaintiff Fred McClure ("Plaintiff"), defendant Russell Investment Management Company ("RIMCo"), and defendant Russell Fund Services Company ("RFSC") ("Defendants" and, collectively with Plaintiff, the "Parties"), through their undersigned counsel, hereby respectfully submit the Stipulation and [Proposed] Order Extending Discovery Deadlines (the "Stipulation").

WHEREAS, on October 17, 2013, Plaintiff filed an action against defendant RIMCo captioned *McClure v. Russell Investment Management Company*, Case No. 1:13-cv-12631-LTS (D. Mass.) ("McClure I");

WHEREAS, on December 8, 2014, Plaintiff filed a related action against Defendants RIMCo and RFSC captioned *McClure v. Russell Investment Management Company, et al.*, Case No. 1:14-cv-14358-LTS (D. Mass.) ("McClure II");

WHEREAS, on March 10, 2015, the Court consolidated McClure I and McClure II, with all files to be maintained in one file under McClure I, and ordered that they proceed on the same schedule (Document 71);

WHEREAS, on June 11, 2015, the Parties filed a Stipulation and [Proposed] Order Extending Discovery Deadlines (Document 79) in which the Parties stipulated and agreed to, among other things, extend the fact discovery deadline by thirty days;

WHEREAS, on June 6, 2015, the Court entered the Scheduling Order (Document 81), which set July 1, 2015 as the amended fact discovery deadline and set various other case-related deadlines;

WHEREAS, on December 16, 2015, Plaintiff filed a related action against Defendants RIMCo and RFSC captioned *McClure v. Russell Investment Management Company, et al.*, Case No. 1:15-cv-14154-LTS (D. Mass.) ("McClure III");

WHEREAS, the Court issued the Notice of Scheduling Conference (Document 20) setting an Initial Scheduling Conference and related Rule 16(b) of Federal Rules of Civil Procedure and Local Rule 16.1 in McClure III;

WHEREAS, the Parties have completed fact discovery in McClure I and McClure II in compliance with the Scheduling Order;

WHEREAS, the Parties have exchanged expert reports and have begun expert discovery in McClure I and McClure II;

WHEREAS, the Scheduling Order provides that expert depositions in McClure I and McClure II be completed by February 3, 2016;

WHEREAS, several of the expert witnesses in McClure I and McClure II are designated as expert witnesses in the action, *Sivolella v. AXA Equitable Life Insurance Company*, Case No.

3:11-cv-04194-PGS-DEA (D.N.J.) ("AXA Action"), an action that like this one alleges violations of Section 36(b) of the Investment Company Act of 1940, which is currently in trial;

WHEREAS, while the Parties will complete depositions of some of the expert witnesses in McClure I and McClure II by February 3, 2016, due to scheduling conflicts with the trial in the AXA Action the Parties believe that the remaining expert discovery in McClure I and McClure II cannot reasonably be completed by February 3, 2016;

WHEREAS, the outcome of the AXA Action may have potential ramifications for the Parties' positions concerning alternative dispute resolution, summary judgment, and other issues related to McClure I and McClure II; and

WHEREAS, the Parties have met and conferred, and, subject to the Court's approval, have reached an agreement to modify the schedule for expert discovery and other deadlines contemplated by the Scheduling Order in McClure I and McClure II and the Notice of Scheduling Conference in McClure III.

NOW, THEREFORE, it is hereby STIPULATED and AGREED by and between the undersigned that:

1. The remaining deadlines for expert discovery and all subsequent deadlines in McClure I and McClure II shall be extended by sixty (60) days, resulting in the following schedule:

- a. All experts to be deposed by April 4, 2016;
- b. Status Conference before Magistrate Judge Marianne Bowler is set for April 4, 2016;
- c. Alternative Dispute Resolution Hearing before Magistrate Judge Marianne Bowler is set for April 8, 2016;

- d. Dispositive motions due by May 2, 2016;
- e. Oppositions to dispositive motions due by May 30, 2016;
- f. Replies to oppositions to dispositive motions due by July 1, 2016;
- g. Final pretrial conference set for October 31, 2016; and
- h. Trial set for November 14, 2016.

2. Except by stipulation of the parties or court order, there shall be no further extensions of the discovery deadline in McClure I and McClure II.

3. All deadlines related to McClure III shall be stayed pending the resolution of McClure I and McClure II.

STIPULATED AND AGREED TO BY:

Dated: January 20, 2016

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*Attorneys for Defendants Russell Investment
Management Company and Russell Fund Services
Company*

IT IS SO ORDERED.

DATED:

HONORABLE LEO T. SOROKIN
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2016 this document was filed through the Court's CM/ECF system and will be sent electronically to the registered participants identified in the Notice of Electronic Filing (NEF).

/s/ Theodore M. Hess-Mahan
THEODORE M. HESS-MAHAN